

**United States District Court
Northern District of New York**

DEFAULT JUDGMENT IN A CIVIL CASE

A. DUDA & SONS, INC., BASIN GOLD COOPERATIVE

Plaintiffs'

VS.

5:07-CV-376 (NAM) (GHL)

**OSWEGO GROWERS & SHIPPERS, INC.; SAMUEL A. ZAPPALA;
JAMES R. ZAPPALA**

Defendants'

[X] Decision by Court. This action came to trial or hearing before the Court.
The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the plaintiffs' motion for Default Judgment is granted, plaintiffs' are entitled to default judgment against defendants' Oswego Growers & Shippers, Inc., Samuel A. Zappala and James R. Zappala, jointly and severally, in the principal amount of \$32,460.00 along with taxable costs in the amount of \$572.50, pre-judgment interest in the sum of \$6,336.53, attorney's fees in the amount of \$12,458.00 for a total judgment of \$51,827.03, plus post-judgment interest at the rate set forth by 28 USC section 1961, all of which qualifies for protection under the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC section 499a et seq.

All of the above pursuant to the Order of the Honorable Chief Judge Norman A. Mordue dated the 24th, day of September, 2008.

SEPTEMBER 26, 2008

DATE

LAWRENCE K. BAERMAN

Clerk of Court
s/

Joanne Bleskoski
Deputy Clerk